

CAPITAL IMPROVEMENTS ELEMENT

GOAL I: THE CITY OF FREEPORT SHALL UNDERTAKE ACTIONS NECESSARY TO PROVIDE ADEQUATE PUBLIC FACILITIES TO ALL RESIDENTS IN A MANNER WHICH PROTECTS INVESTMENTS IN EXISTING PUBLIC FACILITIES, MAXIMIZES THE USE OF EXISTING FACILITIES, AND PROMOTES COMPACT URBAN GROWTH.

Objective A: Capital improvements will be provided to correct existing deficiencies to accommodate desired future growth, and to replace inadequate or obsolete facilities, as indicated in the Five Year Schedule of Improvements of this Element.

Policy A.1: All capital improvements projects identified in other elements of the Comprehensive Plan that are of relatively large scale and high cost (\$100,000 or more) shall be included in the Five Year Schedule of Improvements in this Element. All other capital improvements with costs of less than \$100,000 shall be included in the Six Year Capital Improvement Program and the Annual Capital Budget.

Policy A.2: The City shall give schedule and funding priority to capital improvements projects listed in the Five Year Schedule of Improvements which are designed to correct existing deficiencies .

Policy A.3: The City Council with the input of any department heads for recreation, public works, and administration shall act as a capital improvements coordinating committee.

Policy A.4: Proposed capital improvement projects shall be evaluated and ranked in order of priority according to the following guidelines:

1. Is the project is required to protect public health and safety, to fulfill the City's legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities?
2. Will the project increase efficiency of use of existing facilities, prevents or reduces future improvement cost, provide service to already developed areas lacking full service, or promote infill development?

3. Does the project represent a logical extension of facilities and services within the City's designated service area?

Objective B: A proportionate share based upon the benefits received by existing and future residents of such development of the cost of facility improvements necessitated by future development in order to maintain adopted LOS standards shall be borne by said development.

Policy B.1: The City assesses development a pro rata share of the costs required to fund capital improvements necessitated by such development in accordance with the adopted land development regulations.

Policy B.2: The City shall implement within the Land Development Regulations a program for mandatory dedications or fees in lieu of as a condition of plat approval for the provision of recreation and open space and land for school facilities.

Policy B.3: The City shall plan for replacement and renewal of capital facilities in its annual capital improvements budget and review process. When a facility has reached 80% of design capacity or life span, the City shall schedule it in the 5-year Capital Improvements Schedule for replacement or renewal and determine funding source for such replacement or renewal.

Objective C: The City will manage its fiscal resources to ensure the provision of needed capital improvements for previously issued development orders and for future development and redevelopment.

Policy C.1: Prior to issuing new certificates of occupancy, the City shall provide for all public facilities needed to serve development for which development orders have already been issued.

Policy C.2: The City shall adopt a Six Year Capital Improvement Program and annual capital budget as a part of its budgeting process.

Policy C.3: The City shall transfer the unobligated balance of funds remaining in the General Fund to the Capital improvements fund at the end of each fiscal year.

Policy C.4: The City shall reserve unobligated Enterprise Fund surpluses for capital improvements.

Policy C.5: The City shall make efforts to secure grants or private funds whenever available to finance the provision of capital improvements.

Objective D: **Development Orders and Permits will not be issued based unless necessary public facilities needed to support such development and to maintain adopted levels of service at the time of the impact are or will be available.**

Policy D.1: The City shall use the following "peak hour" LOS standards in reviewing impacts of new development and redevelopment upon public facilities. See individual elements for LOS standards.

Policy D.2: The City shall adopt the attached Concurrency Management System to ensure that, at the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development.

Policy D.3: Proposed Comprehensive Plan amendments and requests for development or redevelopment permits shall be evaluated according to the following guidelines:

1. Will the project or amendment contribute to a condition of public hazard as described in the Infrastructure Element, the Traffic Circulation Element, or the Recreation and Open Space Element?
2. Will the project or amendment exacerbate any existing condition of public facility deficits, as described in the Infrastructure Element, the Traffic Circulation Element, or the Recreation and Open Space Element?
3. Will the project or amendment generate public facility demands that may be accommodated by capacity increases already planned in the Five Year Schedule of Improvements?
4. Will the project or amendment conform to the future land uses as shown on the future land use map of the Future

Land Use Element and service areas identified in the Infrastructure Element?

5. If the public facilities are developer provided, will the improvements accommodate public facility demands based upon the adopted LOS standards?
6. If the public facilities are provided in part or whole by the City, are they financially feasible subject to this Element?
7. Will the project or amendment affect state agencies' and water management districts' facilities plans?

SYSTEM FOR THE MANAGEMENT OF CONCURRENCY

Generally

The following method of ensuring concurrency shall be known as the System For The Management Of Concurrency (SYMCON). The SYMCON is based upon the City of Freeport Comprehensive Plan, especially the Capital improvements Element and adopted level of service standards. The System is designed to ensure that the issuance of a Final Development Order will not result in a degradation of the adopted levels of service for specified public facilities and services. The SYMCON also includes a monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards.

Adopted Levels Of Service Shall Not Be Degraded

A. General Rule

1. All applications for development orders shall demonstrate that the proposed development does not degrade adopted levels of service in the city/county.
2. An application for a development permit shall demonstrate that the proposed development does not degrade adopted levels of service if there exists no development order under which the permit is sought, and no development order is required prior to the issuance of the permit, e.g. a resident on a parcel of unplatted land.
3. The latest point at which concurrency is determined is the final development order. If no development is required, the latest point to determine concurrency is the first development permit on a site.

B. Exception

Notwithstanding the foregoing, the prescribed levels of service may be degraded during the actual construction of new facilities, if upon completion of the new facilities the prescribed levels of service will be met.

Determination Of Available Capacity

For purposes of these regulations the available capacity of a facility shall be determined by:

A. Adding Together

1. The total capacity of existing facilities operating at the required level of service; and
2. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:
 - a. Construction of the new facilities is under way at the time of issuance of the final development order.
 - b. The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time of issuance of the final development order.
 - c. The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the capital improvements element of the City Comprehensive Plan. The agreement must guarantee that the necessary facilities and service will be in place when the impacts of the development occur.

B. Subtracting From That Number The Sum Of

1. The demand for the service or facility created by existing development as documented in the City Comprehensive Plan; and
2. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.

C. Action Upon Failure To Show Available Capacity

Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service:

1. The project owner or developer may provide the necessary improvements to maintain level of service. In such case the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.
2. The proposed project may be altered such that projected level of service is no less than the adopted level of service.

Burden Of Showing Compliance On Developer

The burden of showing compliance with these level of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient information showing compliance with these standards.

Initial Determination Of Concurrency

The initial determination of concurrency occurs during the review of the Preliminary Development Plan, and shall include compliance with the level of service standards adopted by the City.

Annual Report

A. Contents

The City of Freeport shall prepare an Annual Report on the SYMCON that includes:

1. A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.

2. A summary of building permit activity, indicating:
 - a. those that expired without commencing construction;
 - b. those that are active at the time of the report;
 - c. the quantity of development represented by the outstanding building permits;
 - d. those that result from final development orders issued prior to the adoption of this Code; and
 - e. those that result from final development orders issued pursuant to the requirements of this Code.

3. A summary of preliminary development orders issued, indicating:
 - a. those that expired without subsequent final development orders;
 - b. those that are valid at the time of the report; and
 - c. the phases and quantity of development represented by the outstanding preliminary development orders.

4. A summary of final development orders issued, indicating:
 - a. those that expired without subsequent building permits;
 - b. those that were completed during the reporting period;
 - c. those that are valid at the time of the report but do have associated building permits or construction activity; and
 - d. the phases and quantity of development represented by the outstanding final development orders.

5. An evaluation of each facility and service indicating:
 - a. the capacity available for each at the beginning of the reporting period and the end of the reporting period;
 - b. the portion of the available capacity held for valid preliminary and final development orders;
 - c. a comparison of the actual capacity to calculated capacity resulting from approved

- preliminary development orders and final development orders;
- d. a comparison of actual capacity and levels of service to adopted levels of service from the City Comprehensive Plan.
- e. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the City Capital Improvements Element.

B. Use of the Annual Report

The SYMCON Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve (12) months following completion of the annual report.

MONITORING AND EVALUATION

Monitoring and evaluation is critical to the effectiveness of any planning program and particularly for the Capital Improvements Element. This is due to the inevitable fluctuations in revenue and expenditure streams due to market pressures and the general economy. The behavior of revenue and expenditure streams will be used to predict fiscal trends in order to maintain the City's adopted level of service standards for public facilities. Thus the Capital Improvements Element requires a continuous program of monitoring and evaluation. Therefore, pursuant to Chapter 163, F.S., this Element will be reviewed on an annual basis to ensure that required fiscal resources are available to provide public facilities needed to support adopted LOS standards.

The annual review will be the responsibility of the Planning Commission with the advice of any planning and/or administrative personnel on staff or under contract to the City. Their findings and recommendations will be presented to the City Council at a public meeting. The City Council will take action deemed appropriate based upon the Planning Commission's findings and recommendations.

The review will include the following considerations:

1. Any corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the Element; or anticipated construction date of any facility enumerated in the Element.
2. The Capital Improvement Elements consistency with the other elements of the Comprehensive Plan and in particular its support of the Future Land Use Element.
3. The City's capacity to provide service within the established service area in order to determine any need for boundary modification.
4. Changes in priority assignment of existing public facility deficiencies.
5. The City's progress in meeting public facility needs determined to be existing deficiencies.
6. The criteria used to prioritize capital improvements projects to insure appropriate ranking.
7. The City's effectiveness in maintaining the adopted LOS standards;

8. The City's effectiveness in reviewing and providing input to plans and programs of state agencies and water management districts that provide public facilities within the City's jurisdiction.
9. The effectiveness of impact fees and mandatory dedications or fees in lieu of dedication for assessing new development to provide a pro rata share of the costs for the improvements they require.
10. The impacts of special service districts and any regional facility or service upon the Cities ability to maintain its adopted LOS standards.
11. The ratio of outstanding indebtedness to the property tax base.
12. Efforts made and their success in securing grants or private funds whenever available to finance the provision of capital improvements.
13. The transfers of any unexpended account balances.
14. The criteria used to evaluate proposed Comprehensive Plan amendments and requests for development or redevelopment permits.

Capital improvements needed for the latter part of the planning period for inclusion in the Five Year Schedule of Improvements.